IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Paul J. Godowski, et al. Serial No. 09/480,977 Filed: 11 January 2000	Group Art Unit: 1642 Examiner: Holleran, Anne L. Confirmation No: 5001 **Customer No: 09157**
For: **ErbB4 RECEPTOR-SPECIFIC NEUREGULIN RELATED LIGANDS AND USES THEREFOR**	EXPRESS MAIL LABEL NO.: <u>EV 351 927 256 US</u> DATE OF DEPOSIT:. <u>JANUARY 18, 2005</u>

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

I, Paul J. Godowski, Melanie Rose Mark, and Dong Xiao Zhang, declare and say as follows:

1. I am a named inventor of the claimed subject matter of the above-identified patent application. The above-identified patent application claims priority to U.S. Patent Application No. 08/899,437, filed July 24, 1997, which claims priority to U.S. Provisional Application No. 60/052,019, filed July 9, 1997. These priority applications name me or one or more of the other named inventors as inventor.

2. All work described in the above-identified application, the priority patent applications, and the sequence information attached as Exhibit A was performed by me or one of the other named inventors, or on our behalf, in the United States of America.

3. I am aware that some of the claims in the above-identified patent application have been rejected as allegedly anticipated by US Patent 6,727,077, which claims priority to U.S. Provisional Application 60/049,492, filed June 17, 1997.

4. Prior to June 17, 1997, I or one or more of the other named inventors, or a person acting on our behalf, reduced to practice in the United States the NRL EGF-like domain, designated the NRG3 EGF-like domain and SEQ ID NO:4 in the present application.

#171732

5.   The sequence information attached as Exhibit A (date redacted) was prepared by me or one of the other named inventors, or on our behalf prior to June 17, 1997. All sequence information other than the nucleotide and amino acid sequences of the EGF-like domain, SEQ ID NO:4 of the present application, has been redacted.

6.   Prior to June 17, 1997, experiments were conducted by me, one or more of the other named inventors, or a person acting on our behalf, which resulted in the identification and characterization of the molecule referred to in Exhibit A as "NRL" and in the present application as "NRG3," where SEQ ID NO:4 was identified as the EGF-like binding domain comprised within murine NRG3 (SEQ ID NO:2) and human NRG3B1 (SEQ ID NO:6) of the present application. Among other things, these experiments resulted in the determination of the amino acid sequence of the EGF-like domain, highlighted for the purpose of this declaration by underlining on the attached Exhibit A (page 2 of Exhibit A).

7.   Thus, on a date preceding June 17, 1997, the priority date of the US6,727,077 patent, SEQ ID NO:4 was reduced to practice in the United States by me or one or more of the other named inventors, or a person acting on our behalf.

8.   I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Date: _____   By:_____

                                                              Paul J. Godowski

Date: _____   By:_____

                                                              Melanie Rose Mark

Date: _____   By:_____

                                                              Dong Xiao Zhang

```
>/Macintosh HD/Users/davecarpenter/Desktop/mNRL.1617 Folder/mNRL.1617/ss.NRL.final
> 0 Sites [No Sites]
> length: 3059 bp (circular)
>Sequence of Heregulin-related clone NRL
>Sequenced by Jennifer Brush (completed          , proofread by Audrey Goddard
```

```
                                                         ^start insert
    1


  101

  201

  301

  401

  501

  601

  701
                                        ^Met
  80-

    1

  901

   32
```

v1.64 GSeqEdit, ss.NRL.final, page 1

```
1001

  65

1101

  98

1201

 132

1301

 165

1401

 198

1501

 232

1601   CACTTCAAAC CCTGTGCGAGA CAAGGACCTG
       GTGAAGTTTG GGACAGCTCT GTTCCTGGAC
 265    H  F  K  P  C  R  D  K  D  L
                     ^EGF-like domain

1701   GCGGTATTGTC TCAATGATGG TGAATGCTTT GTGATTGAGA CCCTGACAGG ATCCCATAAG CACTGTCGGT GCAAGGAAGG CTACCAAGGA GTCCGTTGTG
       CGCATAACAG AGTTACTACC ACTTACGAAA CACTAACTCT GGGACTGTCC TAGGGTATTC GTGACAGCCA CGTTCCTTCC GATGGTTCCT CAGGCAACAC
 298    A  Y  C  L  N  D

1801   ATCAATTTCT
       TAGTTAAAGA
 332    Q  F  L

1901

 365
```

EXHIBIT A

^stop

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2001

398

2101

432

2201

465

2301

498

2401

532

2501

565

2601

598

2701

632

2801

665

2901

698

3001